

## **REMARKS**

Claims 34-48 are presently pending and stand rejected. Claims 1-33 are cancelled without prejudice.

Claim 34 is a substantial duplicate of original claim 1. In the office action of 12/19/2005, Examiner rejected claim 1 under 35 U.S.C. § 102 as anticipated by Mills.

Assignee respectfully submits that Mills does not teach "determining, by the network interface, at least one power mode of the host computer from a plurality of possible power modes; and selecting, by the network interface, at least one network interface power management state from a plurality of possible power management states based on the at least one power mode determined."

Although Examiner has indicated that Mills teaches "determining by a network interface at least one power mode of the host computer from a plurality of possible power modes (lines 45-50 of column 10)". Mills, Col. 10, Lines 45-50 merely states that:

"Accordingly, when communication between a node and hub on the network is limited. Such as when network nodes are either idle or have entered a sleep or suspended mode, such as a Wake-on LAN (WOL) state power can be saved by switching from the normal, full power, multi-service protocol to a low power link suspend protocol. Here, both PHYs at each end of the link can switch of their transmitters..."

Assignee respectfully submits that the foregoing does not "determining, by the network interface". Accordingly, Examiner is requested to withdraw the rejection to claim 34.

Additionally, added claim 35 recites, among other limitations, "wherein the network interface is operably connected to the host computer and provides access to the network, wherein the network interface:

*locally* detects a volume of traffic received by said network interface; and

*locally* selects at power management state for the network interface device from a plurality of possible power management states based on the at least in part of the volume or traffic received by said network interface."

Assignee respectfully submits that Mills does not teach the foregoing. Mills teaches "Thus, PHYs at either end of a link can notify the other of the capability to support a LS mode of operation and can negotiate parameters for communication using the LS mode." Abstract. "This 'link suspend' (LS) state may be in response to a specific requested by a host controller wishing to enter a lower power mode of operation and suspend network communications until a specific network packet or event causes the node and host to wake up." Col. 13, Line 62 - 66. Furthermore, Mills teaches "Thus a additional benefit according to an embodiment, solves the prior difficulty by providing a simple PHY signaling scheme of notifying a remote network node of the type of schemes a network node supports or requires...". Col. 14, Lines 8-12.

Accordingly, Assignee respectfully requests that Examiner allow the claim 35 and 47 as added.

Additionally, claim 44 is added and recites, among other limitations, "wherein selecting the power state further comprises: configuring a PHY layer to restart and negotiate at a predetermined speed; and increment advertized capabilities until link presence is detected." Assignee respectfully submits that Mills does not teach the foregoing. In fact, Mills teaches "Likewise, a third benefit, according to an embodiment, is that link suspend id defined to a state which each agreed to during negotiation and is thus not lost, by merely suspended when exited from. Thus, exiting from and re-entering into the LS state does not require the two link partners to re-negotiate a link." Col. 14, Lines 13-22. Thus, Assignee respectfully requests allowance for claim 44.

### **Conclusion**

For at least the foregoing reasons, it is respectfully submitted that each of the pending claims are allowable, thereby placing the application in a condition for allowance. Accordingly, a notice of allowance is respectfully requested.

It is believed that all monies for any actions requested in this correspondence are submitted with this correspondence. To the extent that additional monies are required for any actions requested in this correspondence, Commissioner is authorized to charge deposit account 13-0017.

Respectfully Submitted,



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